

Session III - Freedom of thought, conscience or belief - Places of worship

Enabling people who wish to practice a religion or belief to have a place in which to worship is one of the most basic ways in which a participating State can implement its commitments to freedom of religion or belief. As our Annotated Agenda reminds us, this is recognised in international human rights standards such as the politically binding human dimension commitments, including the 1989 Vienna Concluding Document commitment to "respect the right of religious or belief communities to establish and maintain freely accessible places of worship". Closely linked with this is the freedom to meet together for worship and the study of sacred texts in small groups in informal settings, such as a private home - and indeed the right to freedom of association. Followers of many religions and beliefs consider that an essential part of their belief is to be able to meet with their co-believers for study, discussion, worship and prayer. Indeed, as a Turkmen Protestant put it to Forum 18, "without freedom to meet for worship it is impossible to claim that we have freedom of religion or belief."

However, far too many participating States actively oppose the implementation of this aspect of their human dimension commitments. Uzbekistan continues - as does Belarus - to ban meetings together in non-registered places such as homes for worship, and routinely raids believers gathered for worship. The result can be enormous fines of up to 100 times the minimum monthly salary - as has happened to groups of Baptists this year. Such raids frequently involve Criminal Investigation and Counter-Terrorism Departments of the police, raising serious questions about the genuineness of police and state commitment to addressing threats of organised crime and terrorism. In one case this year, police arrested church members and claimed Baptists were "at risk of danger in the case of a terrorist act which could be carried out by people in their home." Similarly, Uzbekistan has taken action against Christian and Muslim schoolchildren who attend churches and mosques. This raises the issue of the ability of people to freely use a place of worship. How far can a community be said to have a place of worship if people cannot freely use it?

Amongst the other sorts of human dimension commitment violations involving places of worship in participating States are: Tajikistan, where mosques, Protestant churches and a synagogue have been demolished or confiscated, and preaching from the Koran is only permitted within "cathedral" mosques; Kyrgyzstan, where Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees have had great difficulties - especially in rural areas - caused by the refusal of the authorities to defend the right of non-Muslims to be buried according to their own burial rites; Kazakhstan, where there have been persistent attempts across the country to remove property from religious minorities, associated with attempts to pass a highly restrictive legislation; Azerbaijan where mosques have been closed, Muslims banned from praying outside crowded mosques during Friday prayers, and Georgian Orthodox and Baptist churches banned from re-opening; Serbia, where there are continuing violent attacks on places of worship, although these are declining with an improved media and political climate for vulnerable groups; and Turkey, where religious communities still cannot own their own places of worship, and some vulnerable groups have needed to hire guards to protect their places of worship.

What impact can denial of a place of worship have in practice? In Turkmenistan, this is thought by some in the country to be one of the biggest problems faced by religious believers. One person from a region far from the capital described the impact to Forum 18 in these terms:

"You cannot build, buy, or securely rent such property, let alone put up a notice outside saying "This is a place of worship". Officials won't give a place of worship legal status as such - I don't know why. All kinds of obstructions are imposed, whether through rules or just in practice.

"Some places of worship do exist. Mosques and Russian Orthodox churches are usually reasonably visible and known as such. Within the capital Ashgabat [Ashgabat] the handful of registered non-Muslim and non-Orthodox religious communities are able to meet quietly for worship, however insecure their arrangements, though not in a formal place of worship. Other faiths - and those of us outside the capital - have it more difficult.

If the community has existed for some time, it might have a place of worship which people know about, but which usually has no legal status. But for those that had their places of worship bulldozed or confiscated in the last decade - as has happened to Muslim, Protestant, and Hare Krishna places of worship - there is no chance of getting them back or of compensation.

Even registered religious communities (apart from most Muslim and Russian Orthodox communities) find it hard to get a place of worship.

The many communities which exist without state registration (a process which has now all but come to a halt) face the biggest difficulties. They cannot officially get a place of worship and if they try unofficially they always fear they will be discovered and punished for even trying. I don't know why the authorities restrict places of worship - you will have to ask them. Perhaps they are afraid.

Although a dedicated place of worship is not essential for a religious community, in today's Turkmenistan it is difficult for a community to operate without one. People interested in learning more about your community and its beliefs cannot come to attend services - even if they know you exist they don't know how to find you. We don't have telephone directories (the last ones were issued in the Soviet period) but if we could have an open place of worship people could find the phone number from directory enquiries or from the local hyakimlik (administration).

If you meet in a private flat - and try to escape police or secret police surveillance - this might be on the third or fourth floor of a block of flats. Climbing stairs with no lift is difficult for some.

If it is difficult to meet unobtrusively in towns, it is almost impossible in villages and small settlements. Aksakals (community elders), the police and Ministry of State Security (MSS) secret police often ban minority faiths from meeting in villagers' homes. They deploy a whole range of threats - from intimidation and public humiliation to social ostracism or denial of work.

Most importantly, people should be assured that coming to worship is safe. They should be able to come knowing that - at least in theory - the place of worship would not be raided and they would not have to give their name, address and place of work. They would not be harassed and face questions such as: "Why do you come here?"

It is our desire to have a freely-open place of worship in every place where we have a community. This is vital - but at present impossible. Without freedom to meet for worship it is impossible to claim that we have freedom of religion or belief."

So what can be done?

- The most obvious step is to implement the existing human dimension commitments on freedom of religion or belief, with the pro-active assistance of OSCE field missions.
- Implementing the human dimension commitments in this area is a challenging task, as the Annotated Agenda noted. So the assistance available from the ODIHR, such as the Advisory Council of Experts on Freedom of Religion or Belief, should be fully utilised.

To assist the move "from commitments to implementation", echoing calls from 1989, is our task.

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